IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

OP.No. 8653 of 1999(E)

PETITIONER:

ALAN PAPALI,
PAPALI HOUSE,
KAKKANAD WEST P.O,
COCHIN.

BY ADV. SRI.P.K. VIJAYA MOHAN
ADV. SRI.GEORGE G.POOTHICOTE

RESPONDENTS:
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1. SECRETARY,
STATE TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM.

2. REGIONAL TRANSPORT OFFICER,
ERNAKULAM.

BY SPL. GOVERNMENT PLEADER SHRI VINOD CHANDRAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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O.P. No. 8653 OF 1999

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Dated this the 2nd November , 2007

J U D G M E N T

H.L. Dattu, C.J.:

The reliefs sought for by the petitioner in this Original Petition are as under:

> *"i) Issue a writ of certiorari or any other writ, order or direction striking down the amendment introduced into Section 3(1) of the Kerala Motor Vehicle Taxation Act (Act 19 of 1976) by the Kerala Finance Act 1998 and the levy of one time tax on newly purchased motor vehicles thereby;*
>
> *ii) Issue a writ of prohibition or any other writ, order or direction restraining the Government from collecting one time tax in respect of petitioner's newly purchased vehicle covered by Ext. P1 and P2;*
>
> *iii) Render such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."*

2. The amended provision is now upheld by a Bench of this court. In view of the declaration of law made by this court, in our opinion, the reliefs sought for by the petitioner would not survive for consideration and decision of this court. Accordingly, the Original Petition is disposed of as having become unnecessary.

3. C.M.P.No. 14416 of 1999 is also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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H.L. DATTU, C.J.&
K.T. SANKARAN, J.

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O.P. No. 8653 OF 1999

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Dated this the 2nd November, 2007

J U D G M E N T